

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

CASE NO.16-11077-HCM

CAROLYN SONJA PEHRSON

DEBTOR

CHAPTER 13

**CHAPTER 13 TRUSTEE'S AMENDED OBJECTION TO
CONFIRMATION OF PROPOSED CHAPTER 13 PLAN
AND REQUEST FOR INTERIM DISBURSEMENT**

TO THE HONORABLE JUDGE H. CHRISTOPHER MOTT, UNITED STATES
BANKRUPTCY JUDGE:

Comes now Deborah B. Langehennig, Chapter 13 Trustee (hereinafter "Trustee") in the above-captioned and numbered bankruptcy proceeding and files this *Objection to Confirmation of Proposed Chapter 13 Plan and Request for Interim Disbursement*. The Trustee submits the proposed plan does not meet the requirements of 11 U.S.C. §1325(a) and/or §1325(b) and in support would respectfully show as follows:

I.

The Debtor must file a Declaration Concerning Confirmation Requirements no later than 7 days prior to Confirmation Hearing.

II.

The Debtor's plan does not provide for full receipt of all projected disposable income. The Debtor has scheduled a Childcare cost on Schedule J in the amount of \$1,072.00 for children of ages 9 and 12. The Trustee requests documentation in support of the monthly expense of \$1,072.00. The plan then proposes a payment increase of \$289.00 in September 2017 when the childcare cost is expected to decrease to \$783.00. The Trustee requests documentation in support of the expected monthly \$783 childcare expense. Further, due to the ages of the children, it appears the expense will cease during the term of the plan. The Plan may not provide for submission of all projected disposable income per the requirements of 11 U.S.C. §§1325(b)(1)(B) and (b)(2)(A). In the Matter of Nowlin, 576 F.3d 258 (5th Cir. 2009).

III.

To the extent that the Trustee has funds on hand at the time of the next and future disbursements to creditors, the Trustee requests that should confirmation of the proposed Plan be denied or reset, she be authorized to immediately disburse, pre-confirmation, the funds on hand to creditors with allowed secured and/or priority claims provided for in the proposed Plan on a pro rata basis, along with the payment of the Trustee fee for disbursement, on a monthly basis following entry of the Order Denying Confirmation.

PRAYER

The Trustee requests that the Debtor appear at the confirmation hearing. If these issues are not fully resolved, the Trustee requests that confirmation be denied and that the case be dismissed.

Respectfully submitted,

/s/ Deborah B. Langehennig
Deborah B. Langehennig
6201 Guadalupe Street
Austin, TX 78752

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CERTIFICATE OF SERVICE

I, Deborah B. Langehennig, certify that a true and correct copy of the Trustee's Objection to Confirmation of Proposed Chapter 13 Plan has been mailed by US Mail (unless otherwise noted below) to the Debtor and the Debtor's Attorney of Record at the addresses listed below on or about December 14, 2016.

F E WALKER AND
ASSOCIATES
609 CASTLE RIDGE ROAD STE
220
AUSTIN, TX 78746
(SERVED ELECTRONICALLY)

CAROLYN SONJA PEHRSON
6500 CHAMPION GRAND VIEW
WAY 8212
AUSTIN, TX 78750

U.S. TRUSTEE
903 SAN JACINTO, SUITE 230
AUSTIN, TX 78701
(SERVED ELECTRONICALLY)

Respectfully submitted,

/s/ Deborah B. Langehennig
Deborah B. Langehennig
6201 Guadalupe Street
Austin, TX 78752